

PROB 12B
(12/98)

United States District Court

for

District of Southern Ohio

**Request for Modifying the Conditions or Term of Supervision
with Consent of the Offender**

(Probation Form 49, Waiver of Hearing Is Attached)

Name of Offender: **Kevin M Spradlin**

Case Number: **1:02CR20082**

Name of Sentencing Judicial Officer: **The Honorable S. Arthur Spiegel
United States Senior District Judge**

Date of Original Sentence: **April 28, 2005**

Original Offense: **Possession of Child Pornography which had been Transported in Interstate
Commerce, in violation of 18 USC §§ 2252(a)(4)(B) and (b)(2) and 2253(a)(1) and (3),
a class D felony.**

Original Sentence: **5 years probation, 180 days of electronic monitoring.**

Type of Supervision: **Probation**

Date Supervision Commenced: **November 14, 2002**

PETITIONING THE COURT

- ☐ To extend the term of supervision for years, for a total term of years.
☒ To modify the conditions of supervision as follows:

The supervised releasee shall reside in and complete the Prospect House long term residential program for substance abuse. While in the program, the supervised releasee shall abide by all of the program's rules and regulations, and be cooperative and compliant with the program's staff.

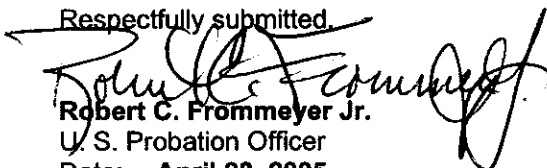
CAUSE


Spradlin was convicted of misdemeanor assault in January 2004, which the Court had been previously notified about by USPO Hutchins, who supervised this case prior to this officer. In addition, Spradlin tested positive for usage of marijuana on November 5, 2003 and January 10, 2005. He also tested positive for usage of cocaine on March 8, 2005. Spradlin was also charged with DUI during the supervision period, which was dismissed. There is an obvious substance abuse treatment issue in this case. The Prospect House is a residential treatment program with a very good reputation. Clearly, Spradlin could benefit from the program due to his lifestyle issues and substance abuse problem. This officer spoke with Spradlin's attorney about the modification, and his attorney had no problem with it. In addition, Spradlin spoke with his attorney, and was advised to agree with the modification. This officer met with Spradlin, and went over the waiver form.

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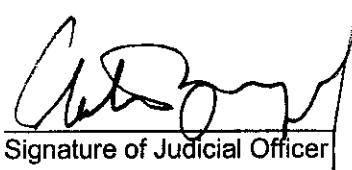
Based on the demonstrated need and his agreement with the modification, this officer is respectfully recommending the Court grant the modification as stated above. Please find the signed waiver form attached to this petition.

Respectfully submitted,
by 
Robert C. Frommeyer Jr.
U. S. Probation Officer
Date: April 28, 2005

Approved,
by 
John C. Cole
Supervising U. S. Probation Officer
Date: 5-2-05

THE COURT ORDERS:

- ☐ No Action
- ☐ The Extension of Supervision as Noted Above
- ☒ The Modification of Conditions as Noted Above
- ☐ Other


Signature of Judicial Officer
Date: 5/3/05

PROB 49

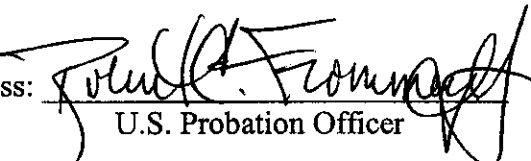
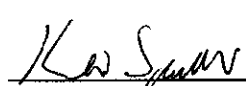
**UNITED STATES DISTRICT COURT
Southern District of Ohio**

**Waiver of Hearing to Modify Conditions
of Probation/Supervised Release or Extend Term of Supervision**

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By "assistance of counsel" I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the Court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing. I also understand I have the right to contact an attorney prior to signing this waiver.

I hereby knowingly and voluntarily waive my right to consult an attorney before signing this waiver and I knowingly and voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

The supervised releasee shall reside in and complete the Prospect House long term residential program for substance abuse. While in the program, the supervised releasee shall abide by all of the program's rules and regulations, and be cooperative and compliant with the program's staff.

Witness:  Signed: 
U.S. Probation Officer Probationer or Supervised Releasee

April 15, 2005

DATE